

PROVIDING FOR THE CONVEYANCE TO POTTER COUNTY, TEX.,
OF CERTAIN SURPLUS LANDS LOCATED AT THE VETERANS'
ADMINISTRATION HOSPITAL NEAR AMARILLO

JULY 4 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H. R. 5567]

The Committee on Government Operations, to whom was referred the bill (H. R. 5567) to provide for the conveyance to Potter County, Tex., of certain surplus lands located at the Veterans' Administration hospital near Amarillo, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass. Your committee concurs with the recommendations of the House Committee on Expenditures in the Executive Departments, and, therefore, adopts the report of the House, as set forth in House Report No. 2477, Eighty-second Congress, second session, which is attached hereto and made a part thereof.

[H. Rept. No. 2477. 82d Cong., 2d sess.]

PURPOSE OF LEGISLATION

H. R. 5567 proposes to authorize and direct the donation and conveyance to the County Commissioners Court of Potter County, Tex., all right, title, and interest of the United States in and to certain lands constituting the westerly portion of the tract of land (approximately 275 acres) on which is located the Veterans' Administration hospital near Amarillo, Tex.

GENERAL STATEMENT

Prior to the acquisition of title vested in Potter County, Tex., since the county of Potter lacked legal authority to sell or donate such property to the United States, a petition of condemnation resulted in judgment on October 27, 1938, ordering the conveyance in question to the United States in consideration of \$3. Subsequent to this action, the Forty-sixth Legislature of the State of Texas enacted a law authorizing the county of Potter to sell realty to the United States for a nominal amount or to accept a nominal amount for the conveyance to the United States in any case where condemnation proceedings had taken place by the United States for the use of land for hospital purposes.

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The county of Potter has indicated that the property in the proposed transfer under H. R. 5567 would be for public purposes. In this connection, E. E. Jordan, judge, Potter County, Amarillo, Tex., under date of October 10, 1950, advised among other things:

"This land was not condemned, but was conveyed to the Government for a nominal consideration of \$3, the purchase having been paid by voluntary contributions from citizens of this county; there was no reservation in the deed specifically acquiring the use of the property for hospital purposes, but all concerned know that this was the purpose and understanding. * * * The county has no use for this land except for park purposes and possibly an incidental use as a borrow source in the widening of United States Highway 66 which is adjacent to the land."

AGENCY COMMENTS

H. R. 5567 has received the following agency comments: Bureau of the Budget; General Accounting Office; General Services Administration, and the Veterans' Administration.

Attached and made a part of this report are the reports of the above-named agencies.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., February 1, 1952.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your letter of October 4, 1951, inviting the Bureau to report upon H. R. 5567 to provide for the conveyance to Potter County, Tex., of certain surplus lands located at the Veterans' Administration hospital near Amarillo.

The Bureau of the Budget would have no objection to the enactment of this measure provided it is amended in the technical respects suggested in the reports which the General Services Administration and the Veterans' Administration are presenting upon the bill.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, October 12, 1951.

B-105961.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of October 4, 1951, acknowledged by telephone October 8, 1951, requesting the comments of this Office concerning H. R. 5567, Eighty-second Congress, entitled "A bill to provide for the conveyance to Potter County, Tex., of certain surplus lands located at the Veterans' Administration hospital near Amarillo."

The bill would authorize and direct the Administrator of General Services to donate and convey to the County Commissioner's Court of Potter County, Tex., all the right, title, and interest of the United States in and to certain lands in Potter County, Tex., constituting the westerly portion of the tract of land on which the veterans hospital near Amarillo is located. The bill recites that the involved tract originally was conveyed to the Veterans' Administration by Potter County for a nominal consideration of \$3; that the westerly portion thereof has been declared surplus to the requirements of the United States and that the lands to be conveyed and described therein contain approximately 275 acres.

This Office has no direct factual information as to the need or desirability of the proposed legislation and therefore, I make no recommendation with respect to the enactment of H. R. 5567.

However, it is understood informally that such legislation is necessary to effect the proposed conveyance since otherwise the land could not be disposed of without advertising.

Sincerely yours,

LINDSAY WARREN,
Comptroller General of the United States.

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GENERAL SERVICES ADMINISTRATION,
Washington 25, D. C., January 25, 1952.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives, Washington, D. C.*

DEAR MR. DAWSON: This is in reply to your letter of October 4, 1951, which requested the views and comments of this Administration on H. R. 5567 entitled "A bill to provide for the conveyance to Potter County, Tex., of certain surplus lands located at the Veterans' Administration hospital near Amarillo."

This proposed legislation would authorize and direct the donation and conveyance to the County Commissioners Court of Potter County, Tex., of all right, title, and interest of the United States in and to certain lands constituting the westerly portion of the tract of land on which is located the Veterans' Administration hospital near Amarillo, Tex.

The land proposed to be transferred is described in a deed conveying the property to the United States of America on behalf of the county of Potter by the county judge and county commissioners, dated October 9, 1939, which recites a consideration of \$3, and was recorded on October 16, 1939, in volume 292, page 157, of the records of the county clerk of Potter County.

We are informed that title to this property, prior to the acquisition of title by the United States, was vested in the county of Potter, Tex. The county of Potter, however, was without legal authority to either sell or donate such property to the United States, in consequence of which a petition of condemnation was instituted with a declaration of taking filed and a resulting judgment on October 27, 1938, ordering the conveyance of the property in question to the United States for a consideration of \$3. Subsequent to the filing of the proceedings in condemnation and the declaration of taking, the Forty-sixth Legislature of the State of Texas passed an act authorizing the county of Potter to sell any real property to the United States of America for a nominal amount or to accept a nominal amount for the conveyance to the United States, in any case where the United States had instituted condemnation proceedings for use of the land for hospital purposes.

It is stated that the county of Potter desires to use the property in question for public purposes. In this connection, E. E. Jordan, judge, Potter County, Amarillo, Tex., under date of October 10, 1950, advised, among other things:

"This land was not condemned, but was conveyed to the Government for a nominal consideration of \$3, the purchase having been paid by voluntary contributors from citizens of this county; there was no reservation in the deed specifically acquiring the use of the property for hospital purposes, but all concerned know that this was the purpose and understanding. * * * The county has no use for this land except for park purposes and possibly an incidental use as a borrow source in the widening of United States Highway 66 which is adjacent to the land."

A study of the provisions of this bill, however, has led to a conclusion that it is inadequate with respect to the area of land to be conveyed to Potter County and that the legal description thereof should be revised. In lines 3, 4, and 5, on page 2, of the bill the following wording appears: "The lands to be conveyed under the authority of this Act contain approximately two hundred and seventy-five acres in Potter County, Texas, * * *."

This area does not agree with the area of 297 acres which the Veterans' Administration reported as excess and which 297 acres includes a portion of a strip along the southern boundary of the reservation, the use of which was granted to Potter County for highway purposes by a deed of easement dated December 5, 1949. It is believed that a survey of the tract reported excess by the Veterans' Administration will reflect that it consists of 297 acres, more or less, of which 284, acres more or less, is land exclusive of the right-of-way and that 12 acres, more or less, is a portion of the highway easement which is covered by the above-mentioned deed of easement and which is recorded in the land records of Potter County, Tex., in volume 494, page 37.

The deed of easement covering the right-of-way hereinabove referred to and which area consists of some 20 acres, more or less, in its entirety, did not pass title to Potter County, the fee title thereof remaining in the United States. It is believed by this office, which position is concurred in by representatives of Real Estate Service, Veterans' Administration, that the fee title covering the right-of-way should not be excluded from the proposed legislation.

Moreover, we have been unable to check several of the courses and distances of the excess property as described in the draft of H. R. 5567 with the descriptions

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included in several deeds of record, even though we have transposed the measurement of "varas", as given in the draft, to "feet" by using 2.778 feet for one vara (2.778 feet being the equivalent unit of a vara in Texas and used by the Bureau of Land Management, Department of the Interior).

It would therefore appear to be in the interest of all concerned that the property be resurveyed and that, in doing so, the area covered by the deed of easement for highway purposes be included, and that the legal description of the lands to be conveyed to Potter County cover both the excess portion and the area now used for highway purposes; moreover, that such a resurvey and description be reconciled with the existing descriptions of record. Inasmuch as Potter County is obtaining these lands, for public use, without consideration, it would appear that Potter County should provide such a resurvey and description.

In view of the facts and circumstances relating to the acquisition of this property by the United States and that it is proposed to be used by Potter County in the public interest, we will interpose no objection to the enactment of this legislation provided the legal description is revised as hereinabove suggested.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

JESS LARSON, *Administrator.*

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington 25, D. C., January 23, 1952.

Hon. WILLIAM L. DAWSON,
*Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives, Washington 25, D. C.*

DEAR MR. DAWSON: Further reference is made to your letter of October 4, 1951, requesting the views and comments of the Veterans' Administration relative to H. R. 5567, Eighty-second Congress, a bill to provide for the conveyance to Potter County, Tex., of certain surplus lands located at the Veterans' Administration hospital near Amarillo.

The bill proposes to authorize and direct the Administrator of General Services to convey, without consideration, to the County Commissioners Court of Potter County, Tex., all right, title, and interest of the United States in and to a described tract of land, containing approximately 275 acres, situated in Potter County, Tex.

On October 27, 1938, the United States, through a condemnation proceeding, acquired title to a tract of approximately 364 acres of land located in and owned by the county of Potter, Tex., as a site for a proposed Veterans' Administration hospital. The county of Potter agreed to an appraisal of value of the tract of \$3, which amount was paid as the consideration for the land. On October 9, 1939, the county of Potter, Tex., having meanwhile acquired statutory authority to dispose of its property by sale or gift to the United States, under certain conditions, executed a confirmatory deed to the Government covering the same land. A Veterans' Administration hospital was subsequently constructed on the north-easterly portion of that tract, which is presently operated as a 187-bed hospital with a preponderance of general medical and surgical patients.

On August 14, 1950, 297 acres of the mentioned tract were declared to the General Services Administration as excess to the needs of the Veterans' Administration. A photostatic copy of a survey of the section of land containing the Veterans' Administration installation in Potter County, Tex., with the present installation outlined in red and the tract declared excess shown by crosshatching, is attached hereto for the information of the committee. The survey also depicts the location of the existing hospital buildings in relation to the area declared excess.

Presumably, the bill intends to return to Potter County, Tex., that portion of the tract of land originally acquired from the county which has since been declared excess by the Veterans' Administration. It is noted, in this connection, that the bill states that the land to be conveyed contains approximately 275 acres. No attempt has been made to ascertain the basis for the variance between that acreage and the 297 acres referred to in the preceding paragraph. It is indicated, however, that the narrative description contained in the bill describes a major portion of the land declared excess by the Veterans' Administration. In view of the fact that the bill provides for the conveyance of the described tract by the

Administrator of General Services, it is assumed that your committee will secure his views relative to H. R. 5567. Undoubtedly, his office is in a position to furnish your committee with further information relative to the exact tract of land which the bill proposes to convey.

H. R. 5567 contains no indication of the use proposed to be made of the described land. It is possible that the land might be used for certain purposes which would be inimical to the proper and effective operation of the Veterans' Administration hospital located on a contiguous tract of land. Accordingly, if the bill is to receive favorable consideration, it is recommended in the Government's interest that it be amended to state specifically the use to which the described land is to be put, and, assuming that such use is not incompatible with the operation of the Veterans' Administration hospital, that it contain a provision for reversion of the land to the United States in the event it ceases to be so used.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Sincerely yours,

CARL R. GRAY, Jr., *Administrator.*

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